

ORDINANCE NO. 10-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 3 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, REGARDING "ALCOHOLIC BEVERAGES" BY AMENDING SECTION 3-3, ENTITLED "HOURS OF SALE" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Chapter 3, Section 3-3 of the Leon County Code of Laws relating to hours of sale;

BE IT ORDAINED by the Board of County Commissioners of the County of Leon, Florida, as follows, that:

Section 1. Section 3-3 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

(a) Vendors who sell only beer, malt beverages, or wine, or any combination of such beverages only for consumption on the premises during all hours of all days within the county.

(b) Vendors of beer, malt, beverages, or wine may sell such beverages for consumption on the premises within the county during all hours of all days, except between the hours of 2:00 a.m. and 7:00 a.m. on any day, and between the hours of 2:00 a.m. on Sunday and 7:00 a.m. on Monday, except as modified by subsection (d) of this section.

(c) No intoxicating beverage containing more than 22 percent of alcohol by volume may be sold between the hours of 2:00 a.m. and 7:00 a.m. on any day, nor may such beverages be sold between the hours of 2:00 a.m. Sunday and 7:00 a.m. on Monday for consumption on the premises, unless New Year's Eve shall

1 fall on a Sunday, in which case hours of sale shall be from 12:00 noon Sunday
2 until 2:00 a.m. Monday; and further except as modified by subsection (d) of this
3 section.

4 (d) In addition to the time provided in subsection (c) of this section, all
5 licensed restaurants, hotels, motels, and clubs which use their licenses in a
6 restaurant may serve intoxicating beverages containing more than 22 percent of
7 alcohol volume by the drink in connection with the regular food service of the
8 licensee's restaurant between the hours of 3:00 p.m. and 12:00 midnight
9 Sundays, unless New Year's Even (December 31) falls on a Sunday, in which
10 case the hours shall be from 3:00 p.m. on Sunday, until 2:00 a.m. on Monday.

11 (c) It shall be unlawful for anyone to consume or possess open containers for
12 beer, malt beverages, wine or other intoxicating beverages off the premises of an
13 establishment dealing in alcoholic beverages and within 1,000 feet of the
14 premises which is licensed for the sale of alcoholic beverages, or as a bottle club,
15 except within closed buildings or on premises occupied solely by residential
16 structures. The distance set forth in this subsection shall be measured from the
17 shortest route of ordinary pedestrian travel along public thoroughfares from the
18 principal entrance of the establishment dealing in alcoholic beverages or bottle
19 club to the location of the violation of this subsection.

20 **Section 2. Conflicts.**

21 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are
22 hereby repealed to the extent of such conflict, except to the extent of any conflicts with the
23 Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail

over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. Severability.

If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. Effective Date.

This ordinance shall have effect upon becoming law.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida this _____ day of _____, 2010.

LEON COUNTY, FLORIDA

By: _____
Bob Rackleff, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

By: _____
Bob Inzer, Clerk of Court
Leon County, Florida

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By: _____
Herbert W. A. Thiele, Esq.
County Attorney